

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Eddie CASH

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Naked Pizza
and Michael Brown

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)

2nd Amended
**COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION**

Jury Trial: ☐ Yes ☐ No
(check one)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 10/5/12 *ply*

This action is brought for discrimination in employment pursuant to: (check only those that apply)

☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).
NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.
NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.
NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☐ New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

☐ New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Eddie Cash
 Street Address 1871 Ave Apt 7E
 County, City Man New York NY
 State & Zip Code NY NY 10026
 Telephone Number (212) 749 9424

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name ~~Michael Brown~~ Naked Pizza
 Street Address 954 3rd Avenue
 County, City New York NY
 State & Zip Code 10022
 Telephone Number (212) 759-3500

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer Naked Pizza Michael Brown
 Street Address 954 3rd Avenue
 County, City New York NY
 State & Zip Code 10022
 Telephone Number (212) 759-3500

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: (check only those that apply)

☐ Failure to hire me.
☐ Termination of my employment.
☐ Failure to promote me.
☐ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.

_____ Retaliation.

_____ Other acts (specify): _____.

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: 12/13/12 12/14/12 12/15/12
Date(s)

C. I believe that defendant(s) (check one):

_____ is still committing these acts against me.

_____ is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

☒ race _____ ☒ color _____

☐ gender/sex _____ ☐ religion _____

☐ national origin _____

☐ age. My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination.)

☐ disability or perceived disability, _____ (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

Mr. Michael Brown on 12/14/2011 called me
Bubba I told him my name was not Bubba
Don't call me that He said Hey Bubba
You got a delivery I said my name is Eddie
Cash that's what I want to be called I asked
him why did he call me that He said for my
Love and affection and started laughing

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: 12/19/11 (Date).

I am African American. On December 15, 2011, I was hired by the respondent as a pizza delivery person. I worked at the respondent's store located at 954 3rd Avenue in Manhattan. Michael Brown (Caucasian) is one of the co-owners. My performance was always satisfactory.

Mr. Brown started to call me "Bubba." It should be noted that the term "Bubba" is an offensive term to African Americans. It carries a negative connotation and is also considered a prison term. "Bubba" is a derogatory term which in effect means "bully."

I asked Mr. Brown to stop calling me "Bubba" as I found the term to be derogatory and I always carried myself in a proper manner. Mr. Brown did not stop using the term. As a matter of fact, he appeared to display a more hostile manner towards me. It should be noted that I did not observe Mr. Brown refer to any non-African American person in a similar derogatory manner.

I felt intimidated, humiliated and embarrassed by the manner in which I was treated by Mr. Brown.

Since he did not respect my desire not to be referred to as "Bubba," I could not continue to be subjected to such hostile treatment. Therefore, I had no choice but to resign my position.

I believe that Mr. Brown treated me disparately due to my race/color and force me to resign my position.

B. The Equal Employment Opportunity Commission (check one):

 has not issued a Notice of Right to Sue letter.
✓ issued a Notice of Right to Sue letter, which I received on 3/7/12 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

 60 days or more have elapsed.
 less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: I know I would never

Left this job I am seeking for 1,000,000
mental Anguish
 (Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10/5/ day of 20.

Signature of Plaintiff

Eddie Cash

Address

1871 79th St 2EBrooklyn New YorkNY 10026

Telephone Number

(212) 749-9424

Fax Number (if you have one)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Eddie Cgsh

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Naked Pizza
Arizona Headquarters
NYC Naked Pizza
954 E 157th Street
Co-founder Michael Brown

**AMENDED
COMPLAINT**

under the Civil Rights Act,
42 U.S.C. § 1983

Jury Trial: ☐ Yes ☐ No
(check one)

12 Civ. 4652 LAK MHD

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's Name Eddie Cgsh
ID# 755 965 980
Current Institution 1571 7900 NY NY 9PT2E
Address 10026

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Naked Pizza Arizona Field #
Where Currently Employed _____
Address _____

Defendant No. 2

Name

Nake Pizza

Shield #

Where Currently Employed

Arizona

Address

Defendant No. 3

Name

Michael Brown

Shield #

Where Currently Employed

909 Third Ave.

Address

Who did
what?

Defendant No. 4

Name

Shield #

Where Currently Employed

Address

Defendant No. 5

Name

Shield #

Where Currently Employed

Address

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

Naked Pizza 57th 3rd Ave.

B. Where in the institution did the events giving rise to your claim(s) occur?

Kitchen area of Restaurant

C. What date and approximate time did the events giving rise to your claim(s) occur?

On December 15, 2011, Between 3:30-4:00 pm.

D. Facts:

What
happened
to you?

Was
anyone
else
involved?

Who else
saw what
happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ____ No ____

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ____ No ____ Do Not Know ____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ____ No ____ Do Not Know ____

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ____ No ____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ____ No ____

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve?

2. What was the result, if any?

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). _____

VI. Previous lawsuits:

On
these
claims

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ____ No ____

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____
Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____
If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ____ No ____

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____
Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____
If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this ____ day of _____, 20__.

Signature of Plaintiff _____
Inmate Number _____
Institution Address _____

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this ____ day of _____, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:  _____

I am African American. On December 15, 2011, I was hired by the respondent as a pizza delivery person. I worked at the respondent's store located at 954 3rd Avenue in Manhattan. Michael Brown (Caucasian) is one of the co-owners. My performance was always satisfactory.

Mr. Brown started to call me "Bubba." It should be noted that the term "Bubba" is an offensive term to African Americans. It carries a negative connotation and is also considered a prison term. "Bubba" is a derogatory term which in effect means "bully."

I asked Mr. Brown to stop calling me "Bubba" as I found the term to be derogatory and I always carried myself in a proper manner. Mr. Brown did not stop using the term. As a matter of fact, he appeared to display a more hostile manner towards me. It should be noted that I did not observe Mr. Brown refer to any non-African American person in a similar derogatory manner.

I felt intimidated, humiliated and embarrassed by the manner in which I was treated by Mr. Brown.

Since he did not respect my desire not to be referred to as "Bubba," I could not continue to be subjected to such hostile treatment. Therefore, I had no choice but to resign my position.

I believe that Mr. Brown treated me disparately due to my race/color and force me to resign my position.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

12 CV 04652

Mr. Eddie C. Cash

(In the space above enter the full name(s) of the plaintiff(s).)

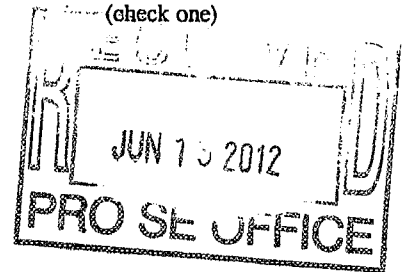
COMPLAINT

-against-

Mr. Michael Brower: On 12/14/2011, and on 12/15/2011, my boss the owner Michael Brower, called me Bubba. I told him that my name was not Bubba, my name is Eddie and don't call me Bubba. He told me that he called me that because he thought I was from the South. Since I called him Mr. Mike, I quit my job that week.

Jury Trial: ☐ Yes ☐ No

(check one)



(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Eddie Cash
 Street Address 1871 79th St 7E
 County, City NY NY Man
 State & Zip Code 10026
 Telephone Number (212) 709-9424

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Mr Michael Brown
 Street Address 954 57 3rd Ave
 County, City New York New York Man
 State & Zip Code NY NY
 Telephone Number _____

Defendant No. 2 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (*check all that apply*)

☐ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? _____

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. Where did the events giving rise to your claim(s) occur? 954 3rd ave
Naked Pizza Where i was a Delivery Guy.
- B. What date and approximate time did the events giving rise to your claim(s) occur? December
14 2011 and on December 15 2011.

- C. Facts: I was at work on December 14 2011
Mr Michael Brown called Bubba. He said
Hey Bubba you got a Delivery coming out.
I said why would you call me Bubba and you
know my name is Eddie and after my Love and
affection for you know Bubba and started laughing.
The next day I told Mr Lee a manager
he said he would talk to him then I told the owner and
Mr Lee was there. The second day Mr Page
another worker. I

What
happened
to you?

Who did
what?

Was anyone
else
involved?

Who else
saw what
happened?

Mr Lee Mr Page Mr Cruz Mr Mitchell saw
one of the owners But said he did not hear
him and that made me quite. Because if you
will lie about something like that not telling

- IV. Injuries: I quite the next day December 15, 2011
What else you might do. All this happened on camera

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

This has made me depressed and
I am suffering from Mental anguish that because
I was in a Back to work program that one of the
owners because he has money can get away
with calling me a Racist name (Bubba) because
he has money. But He gets Federal grants from
these programs, F.E.G. Back to work in how
I got this. I cant afford to go to a Psychiatric
after that and a few other things I need to talk
to one. This was a case of Racism at its worst,

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this _____ day of _____, 20____

Signature of Plaintiff

Eddie Cash

Mailing Address

1871 7900 9pt 7E
10026

Telephone Number

212-749-9424

Fax Number (if you have one)

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

Inmate Number _____



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
(212) 336-3620
TTY (212) 336-3622
General FAX (212) 336-3625

Eddie Cash
1871 7th Ave
New York, NY 10026

Re: Eddie Cash v. Naked Pizza
Charge No: 520-2012-00734

Dear Mr. Cash:

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission") has reviewed the above-referenced charge according to our charge prioritization procedures. These procedures, which are based on a reallocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

In accordance with these procedures we have evaluated your charge based upon the information and evidence submitted. You allege that you were discriminated and retaliated against due to your race in violation of Title VII of the Civil Rights Act of 1964, as amended.

You claim that your supervisor called you "Bubba" on two occasions and you told him your name is not Bubba, its Eddie. You quit your job a few days later.


There is no evidence that you were discriminated against due to your race. Per your admission, your supervisor stated that he called you Bubba because he thought you were from the south. This does not rise the level of a severe or pervasive hostile work environment based on race.

Based upon an analysis of the information submitted to us, the Commission is unable to conclude that the information establishes that a violation of Federal Law on the part of Respondent. This does not certify that Respondent is in compliance with the statutes. No finding is made as to any other issue that might be construed as having been raised by this charge.

The Commission's Processing of this charge has been concluded, included with this letter is your Notice of Right to Sue. Following this dismissal, you may only pursue this

matter by filing suit against the Respondent named in the charge within 90 days of receipt of said notice. Otherwise, your right to sue will be lost. Please contact Federal Investigator Jeanette Wooten at (212) 336-3753 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "Kevin Berry", written over a horizontal line.

for

Kevin Berry
District Director

Date

3/7/12

Enc

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Eddie C. Cash**
1871 7th Avenue
New York, NY 10026

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2012-00734

Jeanette P. Wooten,
Investigator

(212) 336-3753

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Enclosures(s)

On behalf of the Commission

Kevin J. Berry
Kevin J. Berry,
District Director

3/7/12
 (Date Mailed)

cc: **NAKED PIZZA**
Attn: Owner/Operator
954 3rd Avenue
New York, NY 10822

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

I feel He had something against me
Why would he say hey Bubba you
got a Delivery coming out Delivery
coming out Bubba, I asked why would
you call me bubba and my name Eddie
and you know my name is Eddie and
its on the Board, you know for my
Love and affection for you (Bubba)!
Mr Michael Brown said, December
14 2011. Then on December 15 2011 I
told the manager Mr Lee he said he
would talk to then the same day talk
to one of the other owners that's
a Lawyer about what happened and Mr
Brown got mad he started say But you
call me Mr Mike oh I thought you
was from the South, I said why
Because I say Mr... I felt he
Because I got this job & threw a
F.E.G. Back to work and I was
always on time and he could^{not} find
nothing wrong with the way I work
he felt he could say whatever
he wanted to me and get away with

I didn't have a mail Box Key
at time when the letter came
about me Sueing. I had my mother
Read it to me Because I was
out of Town at the time, I might
Be a day or two late But I don't
know what day it came I know
She called and told it was there.
I Fell Like ^{this} case should Be heard
Because the way Mr Michael Brown
did it. ~~It~~^{he} was wrong and it was done
on Camera it was a Racist remark,
I was always on time never called
out I would have never Quite But
when one of the other Owners was
standing right there and said he
didn't it on camera if he would Lie
about something like that what else
would he Lie about his Name is Mr
Mitchell. I don't have any one
willing to come help me Because
they think they might Lose there
Job.

Because, I was discriminated, do to my race, and against my race.
In violation of title VII of the civil rights act, as amended. Mr. Michael Brown, said hay lubba, delivery coming out.

You got delivery lubba, 12/14/2011. And on 12/15/2011.

The matter got worst. So i quit working, at Naked pizza.

I know I am a hard worker and
would have stayed at this job.
Would have called Bubba in front
of Corporate I don't think ^{so} KAT know
he wouldn't have called me name
that's not my name. This was
wrong!!

Goldi Cash

6/13/12